

Appendix C

LAND AND/OR INTEREST IN LAND ACQUISITION FUNDING CRITERIA

In order to implement the Southern Nevada Public Land Management Act of 1998 (SNPLMA) and the Federal Land Transaction Facilitation Act of 2000 (FLTFA) (the Acts), the following strategic goals, minimum criteria, and ranking criteria will be used to identify land or interest in land in the state of Nevada for acquisition by the Federal government. Under the SNPLMA, the land or interest in land must be "environmentally sensitive," with priority given to lands located within Clark County. Under the FLTFA, the lands must be an in holding within a federally designated area as defined in the Act, or adjacent to a federally designated area and containing exceptional resources as defined in the Act.

Eligibility

The Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service and USDA Forest Service may receive funding for environmentally sensitive land acquisitions. Any entity or interested party may propose land and/or interest in land (such as conservation easements, water rights, mineral rights, etc.) for acquisition to an eligible entity.

Strategic Goals for Land Acquisition

- Promote the preservation of natural, scientific, aesthetic, historical, cultural, watershed, wildlife and other values contributing to public enjoyment and biological diversity;
- Enhance recreation opportunities and public access; and
- Provide the opportunity to achieve more efficient management of public lands through consolidation of ownership, including in holdings within federally designated areas.

Minimum Criteria

All three of the following criteria must be met for a parcel of land or interest in land to be acquired by a Federal entity. The first two criteria must be addressed in the "willing agency" letter, and the third in a "willing seller" letter, both to be included in the nomination package:

- The nominated land is currently identified for protection or acquisition in an approved Federal land management plan, or is an in-holding within a specially designated area;
- The acquisition proposed for Federal acquisition presents no health, safety, or liability concerns that cannot be mitigated. This will be documented by a statement from the acquiring agency identifying any potential concerns and explaining specifically how it would be mitigated; and
- There is a willing seller.

Ranking Criteria

Nominations must meet all minimum criteria in order to be evaluated by the subgroup. Five criteria will be used by the subgroup to evaluate, score, and rank nominations in this category. The total points available for each criteria is shown to the right of the criteria. The factors used to score the criteria are listed below it with the points available for each factor. Except for criteria number 4, the factor scores are cumulative to make up the total available for each criteria. Criteria number 4 has a maximum of 10 points available, but is not cumulative; three of the four factors are mutually exclusive. If a project has the factor, the project will receive the full points available for that factor.

Each potential acquisition that meets all of the minimum criteria is scored by adding up points it receives from meeting one or more of the following “ranking criteria.” Points between 0 and the indicated maximum number are awarded for each criterion, depending on the degree to which the acquisition would satisfy each criterion. Factors used by the Working Group members to assign points are listed under each criterion.

Each potential acquisition is first evaluated based on resource issues, manageability, and other considerations, and a subtotal score is calculated. Additional points are awarded if the property is located within Clark County as a criterion for prioritization under the SNPLMA. The eligibility for funding under the FLTFA (in holding, or adjacent to a federally designated area and containing exceptional resource values) is determined and the date the in holding was established, as defined in the FLTFA, as a criterion for prioritization under the FLTFA.

1. Contributes toward preservation of a specially designated species.	Points = 10
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Factors:

A. Acquisition has significant contribution toward preservation or recovery of one or more specially designated species present on the property;	3	
B. Acquisition contains habitat which supports one or more special status species	2	
C. One or more species present on the property are listed as threatened and endangered;	3	
D. Acquisition contributes to creation, conservation, and/or preservation of biodiversity, wetland/riparian area or watershed	2	

2. Preserves a significant natural, aesthetic or scientific feature.	Points = 10
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Factors:

A. Property contains one or more natural, aesthetic, or scientific features	2	
B. One or more features is eligible for special designation (other than		

species	2	
C. Acquisition has significant contribution to preserving the resource values	5	
D. A specific management plan(s) exists for the resource values involved	1	

3. Preserves significant historic, paleontological, or cultural site.	Points = 10
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Factors:

A. Property contains one or more historic, paleontological, or cultural sites	2	
B. One or more sites is eligible for a special designation (other than species)	2	
C. Acquisition has significant contribution to preserving the resource values	5	
D. A specific management plan(s) exists for the resource values involved	1	

4. Enhances recreational opportunities or improves public access to recreational opportunities	Points = 10
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Factors:

A. Acquisition provides recreational opportunities on the site	3	
B. Acquisition provides improved access to recreational areas	3	
C. Acquisition addresses a public demand for recreational opportunity or access to recreational areas	3	
D. A specific management plan(s) exists for the resource values involved	1	

5. Provides the opportunity to achieve better management of public land through consolidation of Federal ownership	Points = 10
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Factors:

A. Acquisition provides for better management of public lands	3	
B. Property is an in holding in a specially designated area	4	
C. The acquisition supports the primary purpose of a specially designated area	2	
D. Acquisition provides improved access to public lands (other than recreation	1	

6. Estimated post-acquisition management costs	Points = 5
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Factors:

A. No added management costs, or	5	
B. Added management costs but costs are offset by contributions from other entities	5	

7. Has the support of the State, local governments, other agencies, and/or other interested parties (provide written verification of support)	Points = 5
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Factors:

A. Acquisition is supported by the County/local government in which the property is located	2	
B. Acquisition is supported by environmental, recreational, and/or scientific groups	2	
C. Acquisition is supported by Fish & Wildlife Service Ecological Services, State Historic Preservation Office, or other federal, state or tribal governmental entities	1	

8. Other Considerations	Points = 10
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Factors:

A. Acquisition would prevent planned development or other incompatible uses	5	
B. Agency number one priority	5	

SUBTOTAL POSSIBLE POINTS: 70

10. Proposed Federal acquisition is in Clark County, Nevada	Points = 10
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TOTAL POSSIBLE POINTS 80

11. Inholding, or adjacent to, Federally designated area and contains exceptional resource(s). As defined in Sec. 203 of the FLTFA: Yes/No

"In holding" means any right, title, or interest, held by a non-Federal

entity, in or to a tract of land that lies within the boundary of a federally designated area.

"Federally designated area" means land in Alaska and the eleven contiguous Western States (as defined in section 103(o) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(o)) that on the date of enactment of this Act was within the boundary of--

- (A) a national monument, area of critical environmental concern, national conservation area, national riparian conservation area, national recreation area, national scenic area, research natural area, national outstanding natural area, or a national natural landmark managed by the Bureau of Land Management;
- (B) a unit of the National Park System;
- (C) a unit of the National Wildlife Refuge System;
- (D) an area of the National Forest System designated for special management by an Act of Congress; or
- (E) an area within which the Secretary or the Secretary of Agriculture is otherwise authorized by law to acquire lands or interests therein that is designated as--

- (i) wilderness under the Wilderness Act (16 U.S.C. 1131 et seq.);
- (ii) a wilderness study area;
- (iii) a component of the Wild and Scenic Rivers System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); or
- (iv) a component of the National Trails System under the National Trails System Act (16 U.S.C. 1241 et seq.).

"Exceptional resource" means a resource of (1) scientific, natural, historic, cultural, or recreational value (2) that has been documented by a Federal, State, or local governmental authority, and (3) for which there is a compelling need for conservation and protection under the jurisdiction of a Federal agency (4) in order to maintain the resource for the benefit of the public [numbering added].

12. Date inholding established. As defined in Sec. 204(c)(2) of the Month/Year FLTFA, this date shall be:

- (A) the earlier of
 - (i) the date on which the land was withdrawn from the public domain, or
 - (ii) the date on which the land was established or designated for special management, or
- (B) the date on which the inholding was acquired by the current owner.